

MANDATE

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURT HOUSE
40 FOLEY SQUARE
NEW YORK 10007

SDNY/NYNY
03 cv 7496
Kaplan

Roseann B. MacKechnie
CLERK

Date: 9/29/06
Docket Number: 06-0658-cv
Short Title: Franchitti v. Bloomberg, L.P.
DC Docket Number: 03-cv-7496
DC: SDNY (NEW YORK CITY)
DC Judge: Honorable Lewis Kaplan

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 29th day of September, two thousand six.

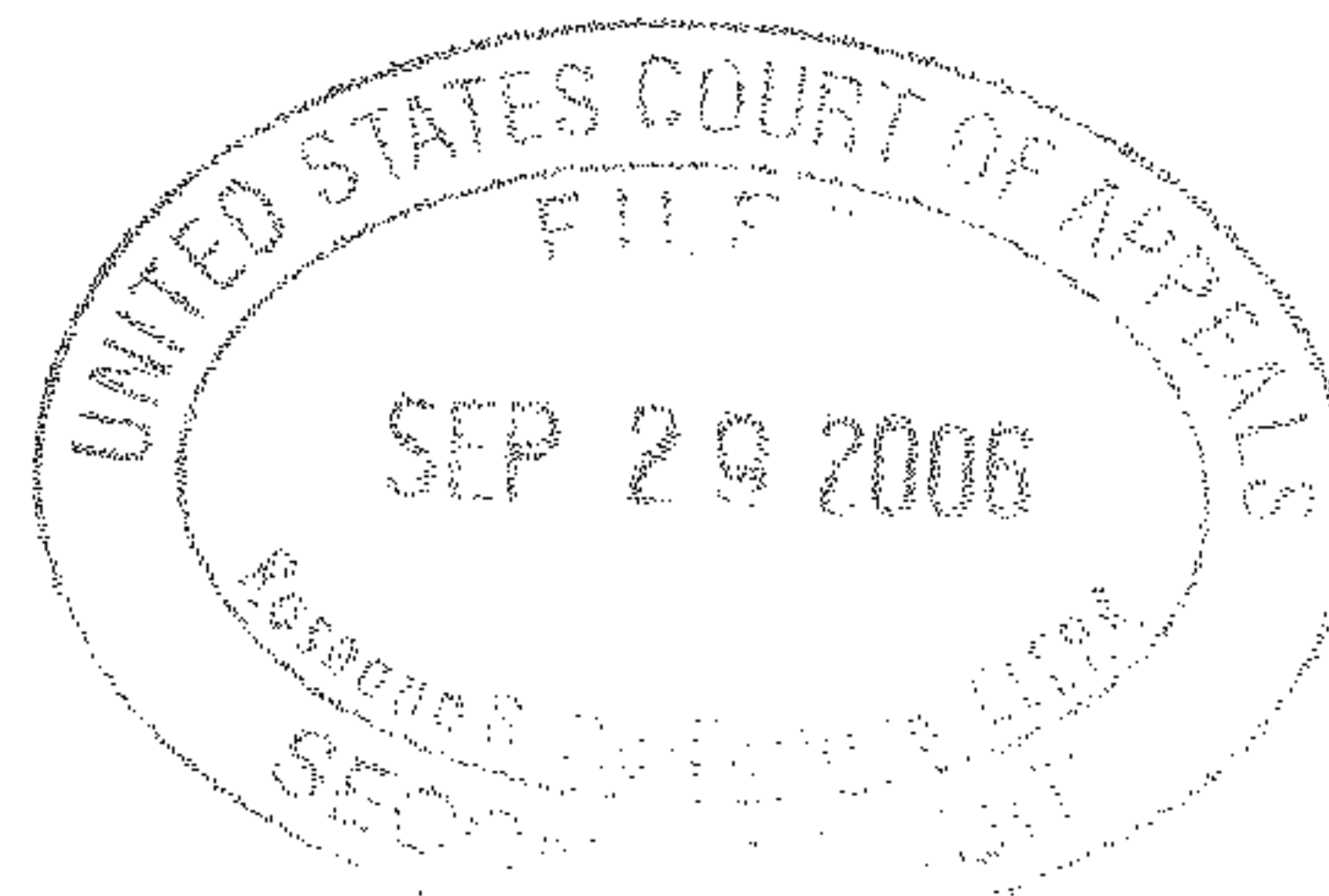
Jean-Claude Franchitti,

Plaintiff-Appellant,

v.

Bloomberg, L.P., Ph.D. Sandra Hutchins,

Defendant-Appellee.



A scheduling order in accordance with the *Civil Appeals Management Plan* of this court having been entered therein, requiring the record on appeal, the appellant's brief and the joint appendix to be filed on or before the dates stated on the scheduling order, and also providing that in the event of default by the appellant the appeal shall be dismissed forthwith, and it appearing that the appellant has so defaulted,

Upon consideration of the appeal herein it is **ORDERED** that the appeal be, and it hereby is **DISMISSED**. Any motions pending prior to the entry of this order of dismissal are deemed **MOOT**.

A TRUE COPY
Roseann B. MacKechnie, CLERK

by

DEPUTY CLERK

For the Court,
Roseann B. MacKechnie, Clerk

E A Q.

By: Eddie Andino
Deputy Clerk

Certified

9/29/06